



## STATE OF WASHINGTON

### PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112  
Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)

### **Memorandum**

To: Public Disclosure Commission

From: Fox Blackhorn, Compliance Coordinator

Date: September 18, 2017

Subject: Danny Walling Enforcement Hearing Memorandum: PDC Case No. 22190

#### **Allegations:**

PDC staff alleges that Danny Walling, an incumbent Fire Commissioner for Clark Fire Protection District 10, violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) for calendar year 2016, due not later than April 17, 2017.

#### **Background and Prior Violations:**

- Danny Walling was elected Fire Commissioner for Clark County Fire Protection District 10 in 2005. Mr. Walling timely filed F-1 reports as an elected official for calendar years 2005 through 2009.

#### **First Violation (PDC Case 16-069):**

- Mr. Walling failed to file an annual F-1 report in 2015, for calendar year 2014. The F-1 report for calendar year 2014 was required to have been filed no later than April 15, 2015.
- At a July 30, 2015, Brief Adjudicative Proceeding (Brief Enforcement Hearing), Mr. Walling was found in violation of RCW 42.17A.700 for failing to file an annual F-1 report not later than April 15, 2015, for calendar year 2014.
- The Presiding Officer assessed Mr. Walling a \$300 penalty in accordance with WAC 390-37-160, for a filer who has one prior violation for failing to file an F-1 report for calendar year 2011. (Note: the violation and penalty assessed for that matter was found in PDC Case 12-242. That case is not included in this memorandum, since the violation was found more than five years ago).
- To date, Danny Walling has failed to file the missing F-1 report, or pay the \$300 outstanding penalty, which was sent to AllianceOne for collections on July 20, 2016.

**Second Violation (PDC Case 10089):**

- Mr. Walling failed to file an annual F-1 report in 2016, for calendar year 2015. The F-1 report for calendar year 2015 was required to have been filed no later than April 15, 2016.
- At a January 20, 2017 Brief Enforcement Hearing, Mr. Walling was found in violation of RCW 42.17A.700 for failing to file an annual F-1 report for calendar year 2015.
- The Presiding Officer assessed Mr. Walling a \$500 penalty for failing to file an annual F-1 report in 2016, in accordance with the penalty schedule effective at the time, for a filer that has two prior violations, and has failed to file the missing report by the date of the hearing.
- To date, Danny Walling has failed to file the missing F-1 report for calendar year 2015. In addition, staff was recently notified by the Department of Enterprise Services that Mr. Walling failed to pay the \$500 outstanding penalty, so that case will be sent to AllianceOne for collections soon.

**2017 F-1 Reporting Requirement for calendar year 2016:**

- As an incumbent Fire Commissioner, Mr. Walling was required to file an F-1 report no later than April 17, 2017, disclosing personal financial information for calendar year 2016.
- On July 19, 2017, Mr. Walling was sent a hearing notice for PDC Case No. 22190 informing him that an August 23, 2017, Brief Enforcement Hearing had been scheduled for failing to file an F-1 report. Mr. Walling failed to appear or submit a response to the hearing notice.
- At the August 23, 2017, PDC staff informed the Presiding Officer that Mr. Walling was not eligible for a Brief Enforcement Hearing since he had failed to file the missing F-1 report for the violation found in PDC Case 10089, and that this case would be referred to the full Commission for a future hearing date.
- On September 11, 2017, PDC Staff called Clark County Fire Protection District 10 and confirmed that Danny Walling still holds office as an incumbent Fire Commissioner.
- Danny Walling failed to file an annual F-1 in 2017, for calendar year 2016. As of September 15, 2017, the F-1 report still has not been filed.

**Staff Recommendation:**

Staff recommends the Commission find that Danny Walling violated 42.17A.700 by failing to file an F-1 report for calendar year 2016, and:

1. Assess Mr. Walling a civil penalty of \$1,000, which is payable within 30 days of the date of the Order.
2. Require Mr. Walling to “cease and desist” from failing to file his required PDC reports in accordance with RCW 42.17A.755(4); and to file the missing F-1 report for calendar year 2016 within 30 days of the date of the Order.

3. Contact the Clark County Fire Protection District 10's legal counsel to remind Danny Walling, and other Fire Commissioners, about the F-1 filing requirement.

Attachments:

- September 15, 2017 Enforcement Hearing notice for the missing F-1 report.
- Order for Danny Walling in PDC Case 16-069.
- Order for Danny Walling in PDC Case 10089.
- WAC 390-37-160: Penalty schedule.



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September 15, 2017

Danny Walling  
34817 NE 119<sup>th</sup> Avenue  
LaCenter, WA 98629

Subject: F-1 Enforcement Hearing Notice, PDC Case 22190

Mr. Walling:

Public Disclosure Commission (PDC) records indicate that you served as an elected or appointed official during calendar year 2016; officials in these positions are required to file an annual Personal Financial Affairs Statement (F-1 report). The F-1 report discloses your financial activities for calendar year 2016, and was due to be filed by April 17, 2017.

On June 19, 2017, PDC staff sent you an F-1 warning letter along with a blank copy of the F-1 report for you to complete and file, to avoid a future enforcement hearing. To date, the missing F-1 report for calendar year 2016 has not been filed.

On July 19, 2017, PDC staff sent you a hearing notice, scheduling you for a Brief Adjudicative Proceeding (Brief Enforcement Hearing) on August 23, 2017. However, after reviewing your filings prior to the August hearing date, staff determined you were not eligible for a Brief Enforcement hearing under the provisions of WAC 390-37-143.

Therefore, in accordance with RCW 42.17A.110 and RCW 42.17A.755, an Enforcement Hearing before the Full Commission has been scheduled to determine if you violated RCW 42.17A.700 by failing to file the required F-1 report for calendar year 2016.

**Enforcement Hearing Information**

Date and time: **Thursday, September 28, 2017 at 10:05 a.m. (approximate time)**  
Place: Evergreen Plaza Building, Room 206  
711 Capitol Way, Olympia, WA, 98504-0908  
Presiding Officer: Anne Levinson, Chair, Public Disclosure Commission

If you do not plan to be present at the hearing, you may submit evidence in your own behalf or in mitigation no later than noon on Tuesday, September 26, 2017 for distribution to Commission members.

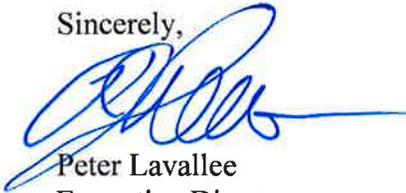
You may do so by writing to the Chair, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, or by email at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov). Materials received after the Commission mailing on September 21, 2017, and before the hearing will be given to Commission members at the hearing.

If a hearing proceeds and you fail to attend or provide information on your own behalf, you may be in default and the Commission may assess appropriate penalties. The Commission has the authority to assess a penalty of up to \$10,000, or they can find apparent violations and refer the matter to the Attorney General for higher penalties.

You are not required by law to personally attend. However, the Public Disclosure Commission recommends that respondents personally appear whenever possible. PDC staff will present this matter to the Commission.

If you have questions regarding this matter, please contact PDC staff member Fox Blackhorn at (360) 753-1980 or by e-mail at [fox.blackhorn@pdc.wa.gov](mailto:fox.blackhorn@pdc.wa.gov).

Sincerely,



Peter Lavalley  
Executive Director



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August 17, 2015

Danny Walling  
34817 NE 119<sup>th</sup> Avenue  
La Center WA 98629

Subject: PDC Case No. 16-069

Dear Mr. Walling:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. The Presiding Officer assessed a civil penalty of \$300 for the missing Personal Financial Affairs Statement (F-1 report) in accordance with the penalty schedule set forth in WAC 390-37-160, for an official that failed to file an F-1 report and has one prior PDC violation.

Please submit the \$300 penalty payment to the Public Disclosure Commission by September 16, 2015, and make the check or money order payable to the WA State Treasurer. Thank you for your prompt attention to this matter, and please file the missing F-1 report.

If you have questions, please contact me at (360) 664-8854; toll free at (877) 601-2828 or by email at [kurt.young@pdcc.wa.gov](mailto:kurt.young@pdcc.wa.gov).

Sincerely,

Kurt Young  
Compliance Officer

Enclosure



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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

Danny Walling  
34817 NE 119<sup>th</sup> Avenue  
La Center WA 98629

In Re Compliance with RCW 42.17A

Danny Walling

Respondent.

PDC Case No. 16-069

Findings of Fact,  
Conclusions of Law, and  
**Order Imposing Fine**

A brief enforcement hearing (brief adjudicative proceeding) was held July 30, 2015, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) due April 15, 2015, disclosing financial information for calendar year 2014.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to Danny Walling on July 1, 2015. Commission Chair Katrina Asay was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent did not participate at the hearing or submit any written materials.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent was a Fire Commissioner for Clark County Fire Protection District No. 10 in 2014.
2. As an incumbent Fire Commissioner, the Respondent was required to file an F-1 report no later than April 15, 2015.
3. The Respondent did not file the missing F-1 report by the date of the hearing.
4. The Respondent has one prior F-1 violation: PDC Case No. 12-242.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.700 by failing to file the F-1 report by April 15, 2015.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED** that the Respondent is assessed a civil penalty of \$300 in accordance with the penalty schedule set forth in WAC 390-37-160, which is payable within 30 days of the date of the Order.

This is an **Initial Order** of the Public Disclosure Commission.

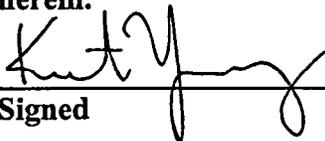
Entered this 17 day of August, 2015.

Public Disclosure Commission

  
Frederick C. Kiga  
Executive Director

Enclosure: Information about Appeal Rights

I, Kurt Young, certify that I mailed a copy of this order to the Respondent(s) at his/her/its respective address, postage pre-paid, on the date stated herein.

  
Signed

8/17/15  
Date



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PUBLIC DISCLOSURE COMMISSION

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March 29, 2017

Danny Walling  
34817 NE 119<sup>th</sup> Avenue  
LaCenter, WA 98629

Subject: Amended Final Order, PDC Case 10089

Dear Mr. Walling:

Enclosed is a copy of the Public Disclosure Commission's Amended Final Order reducing a previously imposed fine that was entered in the above-referenced case. At the January 20, 2017, Brief Adjudicative Hearing (Brief Enforcement Hearing), the Presiding Officer assessed a total civil penalty of \$1,000 in accordance with WAC 390-37-143 for a filer with two prior violations. However, the \$1,000 penalty that was assessed was based on the rule, WAC 390-37-143 which had not taken effect at the time the Brief Enforcement hearings were held.

At the March 23, 2017 Commission meeting, the Commission voted unanimously to reconsider the previous order and to reduce the penalty to \$500, since \$500 was the maximum penalty that could have been assessed at the January 20, 2017 hearing, which is payable within 30 days of the date of this Order.

The \$500 penalty is payable no later than April 28, 2017. Please make the check or money order payable to the **WA State Treasurer**, and mail the payment to the following:

**WA State Treasurer - Public Disclosure Commission**  
**Financial Office**  
**PO Box 41465**  
**Olympia, WA 98504-1465**

If you have questions, please contact me by email at [kurt.young@pdc.wa.gov](mailto:kurt.young@pdc.wa.gov).

Sincerely,

  
Kurt Young  
Compliance Officer

Enclosure

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5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
6 **OF THE STATE OF WASHINGTON**

7 IN RE THE MATTER OF ENFORCEMENT  
8 ACTION AGAINST

9 Danny Walling

10 Respondent.

PDC Case 10089

**AMENDED FINAL ORDER**

(Order On Reconsideration and  
Amending Penalty)

11 **I. INTRODUCTION**

12 This matter came before the Washington State Public Disclosure Commission on March  
13 23, 2017, at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia,  
14 Washington. The Commission, after becoming aware of a procedural defect in the original  
15 Order, reconsidered the prior order issued following a brief enforcement hearing (brief  
16 adjudicative proceeding) in this matter. The matter was held in accordance with Chapters 34.05  
17 and 42.17A RCW and Chapter 390-37 WAC.

18 Commissioners Anne Levinson, Chair, John Bridges, Vice Chair, Katrina Asay, Jack  
19 Johnson, and David Ammons were present. Kurt Young, Compliance Officer, presented the  
20 matter on behalf of Public Disclosure Commission Staff (Staff). Chad Standifer, Assistant  
21 Attorney General, was also present on behalf of Staff. Also present were PDC Executive  
22 Director Evelyn Fielding Lopez, PDC Assistant Director Barbara Sandahl, PDC executive  
23 assistant Jana Greer, and Penny Allen, Assistant Attorney General, attorney for the Commission.  
24 The proceeding was open to the public and recorded.

## II. PROCEDURAL HISTORY

1  
2 A brief adjudicative enforcement hearing was held on January 20, 2017 to consider  
3 whether the Respondent violated RCW 41.17A.700 by failing to file a Personal Financial Affairs  
4 Statement (F-1 report) as an incumbent Fire Commissioner for the Clark County Fire Protection  
5 District No. 10, no later than April 15, 2016 which disclosed his financial activities for calendar  
6 year 2015.

7 Although Respondent was timely notified of the brief adjudicative enforcement hearing, he  
8 did not attend the hearing nor did he submit any written materials. The Presiding Officer, found  
9 that the Respondent had not timely filed his F-1 report, and had had two prior PDC violations in  
10 the last five years, and imposed a \$1,000 penalty.

11 The Commission voted unanimously to reconsider the previous order and to reduce the  
12 penalty to \$500 because \$500 was the maximum amount of the penalty that could have been  
13 assessed as of April 15, 2016. The previous \$1,000 penalty was based on amendment to WAC  
14 390-37-143 which was not effective at the time of the violation.

15 Having heard staff's positions on a Motion for Reconsideration from another Respondent in  
16 PDC Case 10069, having considered the files and records in this matter, and being otherwise  
17 fully advised, the Commission HEREBY makes the following findings of fact and conclusions  
18 of law:

## III. FINDINGS OF FACT

19  
20 1. The Respondent is an incumbent Fire Commissioner for the Clark County Fire  
21 Protection District No. 10, since being elected to that office in 2003.

22 2. As an incumbent Fire Commissioner, the Respondent was required to file an F-1  
23 report no later than April 15, 2016.

24 3. The Respondent did not file the missing F-1 report by January 20, 2017, the date  
25 this matter was originally heard.  
26

1 4. The Respondent has two prior PDC Violations in the last five years, PDC Case  
2 12-242 and 16-069.

3 **IV. CONCLUSIONS OF LAW**

4 1. The Commission has jurisdiction to hear this matter pursuant to WAC 390-37-  
5 144.

6 2. The Respondent violated RCW42.17A.700 by failing to file the F-1 report by  
7 April 15, 2016.

8 **V. ORDER**

9 Based upon the findings and conclusions, the Commission ORDERS that:

10 1. Respondent Danny Walling is assessed a civil penalty of \$500 in accordance with  
11 WAC 390-37-160 which was effective on April 16, 2016, for a filer with two prior PDC  
12 violations in the last five years, payable within 30 days of the date of the Order.

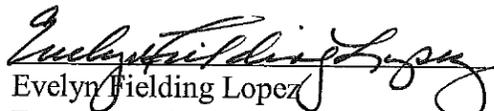
13 2. If Respondent Danny Walling fails to pay the \$500 penalty within 30 days of the  
14 date of this Order, PDC Staff is directed to refer this matter to DES for collection of the debt.

15 The Executive Director is authorized to enter this order on behalf of the Commission.

16 So ORDERED this 29th day of March, 2017.

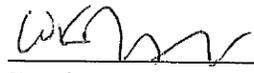
18 WASHINGTON STATE PUBLIC  
19 DISCLOSURE COMMISSION

20 FOR THE COMMISSION:

21   
22 Evelyn Fielding Lopez  
23 Executive Director

24 *Copy of this order mailed to*  
25 *Danny Walling at*  
26 *34817 NE 119<sup>th</sup> Avenue*  
*LaCenter, WA 98629*

I, Kurt Young, certify that I emailed a copy of this  
order to the Respondent/Applicant at his/her respective address  
postage pre-paid on the date stated herein.

 3/29/2017  
Signed Date

1 NOTICE: PETITION FOR JUDICIAL REVIEW

2 YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT,  
3 PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW  
4 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE  
5 FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND  
6 THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE  
7 DATE THIS FINAL ORDER IS SERVED UPON YOU.  
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**Brief enforcement hearings (adjudicative proceeding)—Penalty schedule.**

The presiding officer may assess a penalty up to one thousand dollars upon finding a violation of chapter [42.17A](#) RCW or Title 390 WAC.

(1) Base penalty amounts:

<b>Violation</b>	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
Failure to timely file an accurate and complete statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Candidate's failure to timely file an accurate and complete registration statement (C-1)/statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150 per report	\$150 - \$300 per report	\$300 - \$600 per report up to \$1,000
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150 per report	\$300 per report	\$600 per report up to \$1,000
Failed to file report by date of enforcement hearing.	\$250 per report	\$500 per report	consideration by full commission
Failure to timely file an accurate and complete lobbyist monthly expense report (L-2):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Failure to timely file an accurate and complete lobbyist employer report (L-3):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing	\$0 - \$150	\$150 - \$300	\$300 - \$600

<b>Violation</b>	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
to explain mitigating circumstances. Did not enter into statement of understanding.			
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Failure to timely file accurate and complete disclosure reports:			
Political committee registration (C-1pc).	\$150	\$300	\$600
Statement of contributions deposit (C-3).	\$150	\$300	\$600
Summary of total contributions and expenditures (C-4).	\$150	\$300	\$600
Independent expenditures and electioneering communications (C-6).	\$150	\$300	\$600
Last minute contribution report (LMC).	\$150	\$300	\$600
Out-of-state committee report (C-5).	\$150	\$300	\$600
Annual report of major contributors (C-7).	\$150	\$300	\$600
Failure to timely file accurate and complete reports disclosing lobbying activities:			
Lobbyist registration (L-1).	\$150	\$300	\$600
Public agency lobbying report (L-5).	\$150	\$300	\$600
Grass roots lobbying report (L-6).	\$150	\$300	\$600
Failure to file electronically.	\$350	\$650	\$1,000
Exceeding contribution limits.	\$150	\$300	\$600
Exceeding mini reporting threshold.	\$150	\$300	\$600
Failure to comply with political advertising sponsor identification requirements.	\$150	\$300	\$600
Failure to include required candidate's party preference in political advertising.	\$150	\$300	\$600
Failure to comply with other political advertising requirements, RCW <a href="#">42.17A.330</a> through <a href="#">42.17A.345</a> .	\$150	\$300	\$600
Use of public facilities to assist a campaign for election or promote a ballot measure.	\$150	\$300	\$600

"Occasion" means established violation. Only violations in the last five years will be considered for the purpose of determining second and third occasions.

(2) In determining the appropriate penalty, the presiding officer may consider the nature of the violation and aggravating and mitigating factors, including:

(a) Whether the respondent is a first-time filer;

(b) The respondent's compliance history for the last five years, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of

violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(c) The respondent's unpaid penalties from a previous enforcement action;

(d) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period, or otherwise had a significant or material impact on the public;

(e) The amount of financial activity by the respondent during the statement period or election cycle;

(f) Whether the late or unreported activity was significant in amount or duration under the circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(g) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention;

(h) Good faith efforts to comply, including consultation with commission staff prior to initiation of enforcement action and cooperation with commission staff during enforcement action, and a demonstrated wish to acknowledge and take responsibility for the violation;

(i) Personal emergency or illness of the respondent or member of his or her immediate family;

(j) Other emergencies such as fire, flood, or utility failure preventing filing;

(k) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization;

(l) Commission staff, third-party vendor, or equipment error, including technical problems at the agency preventing or delaying electronic filing.

(3) The presiding officer has authority to suspend all or a portion of an assessed penalty under the conditions to be determined by that officer including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of the entry of the order in that case.

(4) If, on the third occasion, a respondent has outstanding penalties or judgments, the matter will be directed to the full commission for consideration.

(5) The presiding officer may direct a matter to the full commission if the officer believes one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission. Cases will automatically be scheduled before the full commission for an enforcement action when the respondent:

(a) Was found in violation during a previous reporting period;

(b) The violation remains in effect following any appeals; and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW [42.17A.110](#). WSR 17-03-004, § 390-37-143, filed 1/4/17, effective 2/4/17.]